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UNITED STATES DISTRICT COURT

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WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

HUSSEIN OSMAN ABDI,
Petitioner

CIVIL ACTION
SECTION "P"
1:13-CV-0457

VERSUS

UNITED STATES OF AMERICA,
et al.,
Respondent

JUDGE JAMES T. TRIMBLE
MAGISTRATE JUDGE JAMES D. KIRK

Supplemental Report and Recommendation

Before the court is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 by petitioner Hussein Osman Abdi ("Abdi") on March 4, 2013 (Docs. 1, 4). Abdi is contesting his continued detention, while awaiting removal, by the Immigration and Customs Enforcement ("ICE") of the Department of Homeland Security. Abdi contends he has been detained by ICE since October 28, 2012, that he is a native of Somalia, and that his final order of removal was reinstated on April 29, 2010. Abdi was placed on supervised released on July 28, 2010 and detained again on October 28, 2012. Abdi contends that ICE has not been able to procure travel documents for him due to the instability of and lack of cooperation by the Somali government, Somalia's instability is evidenced by the travel warnings issued by the U.S. State Department, and there is no significant likelihood that he will be removed to Somalia in the reasonably foreseeable future. For relief, Abdi asks to be

released from detention pending his removal from this country, pursuant to Zadvydas v. Davis, 533 U.S. 678, 121 S.Ct. 2491 (2001). At the time of filing his petition, Abdi was detained in the LaSalle Detention Facility in Trout, Louisiana.

Initially, the Respondents opposed releasing Abdi (Doc. 14), showing through an affidavit by Michael Nelson, Acting Assistant Field Office Director for the ICE facility at Gadsden, Alabama, that Abdi was taken back into custody on October 30, 2012 because he had been added to a Somalia deportation list, and that Abdi is on the list for removal to Somalia on an upcoming charter flight (Doc. 14, Ex. A).

This court then issued a Report and Recommendation to deny Abdi's petition (Doc. 22). After the Report and Recommendation was filed, the United States filed a motion to dismiss the petition, advising the court that Abdi was released from custody on October 21, 2013 and stating that the government will not appeal his release (Doc. 24, Exs.).

Since Abdi has achieved the sole relief requested in his habeas petition, release pending removal, his habeas petition has been rendered moot and should be dismissed.

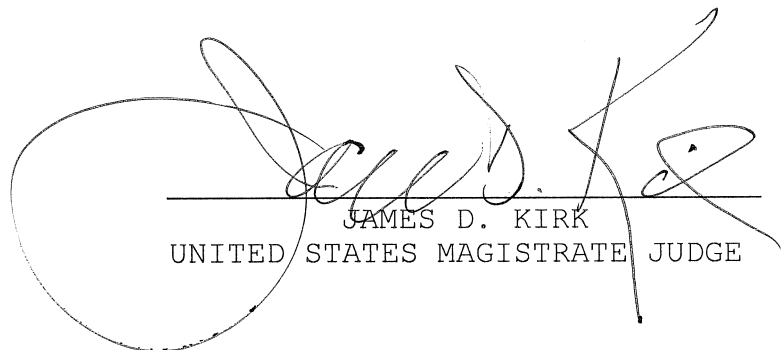
Conclusion

Based on the foregoing discussion, IT IS RECOMMENDED that the Respondent's motion to dismiss (Doc. 24) be GRANTED and that Abdi's habeas petition be DENIED AND DISMISSED WITH PREJUDICE.

Under the provisions of 28 U.S.C. § 636(b)(1)(c) and Fed.R.Civ.P. 72(b), the parties have **fourteen (14) days** from service of this Report and Recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within **fourteen (14) days** after being served with a copy thereof. No other briefs (such as supplemental objections, reply briefs etc.) may be filed. Providing a courtesy copy of the objection to the magistrate judge is neither required nor encouraged. Timely objections will be considered by the district judge before he makes a final ruling.

A PARTY'S FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS, CONCLUSIONS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN FOURTEEN (14) CALENDAR DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY, EXCEPT ON GROUNDS OF PLAIN ERROR, FROM ATTACKING ON APPEAL THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT JUDGE.

THUS DONE AND SIGNED at Alexandria, Louisiana, on this 16th day of June 2014.



JAMES D. KIRK
UNITED STATES MAGISTRATE JUDGE